

POLICIES AND PROCEDURES COMMITTEE

Division of the State Architect Advisory Board

**Minutes of Meeting
Wednesday, May 19, 2004**

California Community Colleges Building
1102 Q Street, 5th Floor, Conference Room A
Sacramento, California

Committee Members Present

Lowell Shields, Chair
Gale Bate
Richard Henry
Art Ross

DSA Staff Present

Mary Ann Aguayo (a.m. session)
Dan Rasmussen
Elena Tarailo
John Vester

Committee Members Absent

Kerry Clegg
David Smith

Others Present

John Paul Scott (via teleconference
beginning at 11:30 a.m.)

Call to Order

Committee Chair Lowell Shields called the meeting to order at 10:20 a.m. and welcomed all participants. He asked participants to identify themselves before providing their comments.

Revisions to Committee Rules - Universal Design Committee

Mr. Shields said that at the April 16 meeting of the Universal Design Committee (UDC) a number of recommendations regarding that committee's composition and operations were proposed. He drew attention to the list of items provided by Committee Chair Mr. John Paul Scott.

Mr. John Vester said that at its last meeting, the DSA Advisory Board determined the UDC should have 13 members including five Advisory Board representatives. The UDC proposes to add Mr. Peter Margen, a consultant with expertise in code development, which would revise the total to 14. He noted the UDC presently has 11 members, of which four are Advisory Board members. He added that Mr. Gene Lozano declined to serve, which presents a vacancy for the visually impaired community on the UDC.

Mr. Gale Bate noted the current policies and procedures state that a majority of each standing committee must be Board members, so an exception will be needed for the UDC.

Mr. Shields drew attention to the document provided to committee members, which includes the Board's original Policies and Procedures adopted in 2001 with staff's proposed revisions of May 11, 2004. Mr. Vester referred the committee to the language regarding standing committees beginning on Page 17 of the revised draft. He noted the UDC proposes that all of its members should have a vote, and that a quorum would be one more than half of the UDC members including two Board members. The various

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constituencies represented on the UDC were then reviewed.

Mr. Bate said Mr. Margen was not sure at the time of the last UDC meeting whether NFPA would allow him to serve as a member of the committee. He then suggested it may not be necessary to have a liaison member, and proposed that the Board vote at its next meeting to change the total number of members to 13 instead of 14. Mr. Vester noted reducing the total from 14 to 13 would mean one fewer Board member.

After discussing this issue the Policies and Procedures Committee agreed it would be best to have a total of 13 UDC members, including four Advisory Board members. Mr. Shields recommended that staff revise the Board's Policies and Procedures document to accomodate the UDC changes as discussed in today's meeting, and the committee recommended that the Board revise its prior motion regarding the UDC at the next quarterly Board meeting. The committee concurred with this suggestion.

Revise the Board's Policies and Procedures document to reflect UDC changes as discussed in today's meeting. At the June 18, 2004 quarterly meeting, the Policies & Procedures Committee will recommend that the Advisory Board revise its prior (March 19, 2004) motion regarding the UDC.

Mr. Shields suggested that the committee address term limits for the UDC. Mr. Bate observed that committee members currently serve at the pleasure of the Board chair. Mr. Vester said Mr. Scott recommends alternating two- and three-year terms.

Mr. Shields recommended the Board chair be given sufficient discretion to replace and remove committee members when necessary and the committee concurred. Mr. Bate noted the Board chair also has the discretion to disband committees.

After some discussion, the committee decided to recommend two-year terms for UDC members, with the possibility of a one-year extension if the Board chair does not appoint new members. The committee determined there was no need for staggered terms. They recommended clarifying that the Board chair has the ability to establish and disband committees. Mr. Vester suggested, and the committee concurred, that the following be provided in the revised document:

Clarify in the revised draft of the document that the Board serves at the pleasure of the State Architect, and committees serve at the pleasure of the Board chair.

Mr. Vester said he will convey the recommendations which are relevant to the UDC at their May 26 meeting.

Revisions, Corrections, and Updates to Policies and Procedures

(Note: Committee's recommendations by item are in bold/italics).

Committee members reviewed and discussed the proposed revisions to the policies and procedures document.

Mr. Art Ross questioned the language in the first full paragraph on Page 17 (Section VIII A). Committee members agreed the references to "committee chair" should be changed to "board chair."

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Rename Section VIII (A) to state “board chair duties relative to committees.”

Committee members discussed whether standing committees should be treated differently from ad hoc committees. Ms. Elena Tarailo noted the original Policies and Procedures document made no distinction between the types of committees. Mr. Bate noted that language came directly from OSHPD and may not apply to the DSA Advisory Board.

Mr. Shields proposed referring to both types of committees simply as “committees,” and then specifying the exceptions as they apply to the UDC.

Mr. Ross recommended defining ad hoc committees as committees intended to serve a short-term, specific purpose with a definitive timeline, reporting directly to the Board.

Committee members noted the existing standing committees would be the UDC, the Policies and Procedures Committee, and the Building Standards Committee.

Mr. Rich Henry suggested specifying the general rules applicable to standing committees and then listing the exceptions. He noted committees should have the ability to establish subcommittees to work on specific issues when necessary. He advocated a tiered reporting structure, with subcommittees reporting to committees, and committees reporting to the full Board.

Committee members addressed the issue of limiting the number of members that serve on committees. They decided to recommend to the Advisory Board a total of 13 maximum, with the Board chair retaining discretion to recommend additional members in certain situations.

Mr. Ross drew attention to Section XII, defining who is authorized to speak for the Board. Committee members agreed the wording should state “only” prior to “upon authorization....”

Insert the word “only” in the second sentence before “upon authorization by the Board Chair or Executive Director.”

Mr. Vester announced that Mr. Scott was available to participate via teleconference and joined the meeting at 11:30 a.m. Mr. Shields provided Mr. Scott with a summary of the items the committee covered previously in the morning session.

Mr. Shields suggested the committee discuss the formation of task groups for committees. He asked Mr. Scott to brief his committee members on this matter.

Mr. Scott explained that the UDC wanted to form task groups to conduct research on specific issues and present their findings and recommendations back to the UDC. He noted the two task group issues identified to date are door opening force and play areas. He added that UDC members also expressed interest in forming task groups on Braille signage and tactile dome warnings at some point in the future.

Mr. Scott reported that after reviewing the Bagley-Keene Open Meeting Act, he suggests the best way to conduct task group meetings would be for the groups to meet the day before UDC meetings and present their findings to the UDC. He added that the Bagley-Keene Act requires the meetings be noticed and accessible to the public.

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Mr. Bate noted another option would be the committee chair assigns one person to research an issue and report back to the UDC. Mr. Shields asked about the feasibility of having task groups work informally by conducting their research individually. Mr. Scott responded that a consensus approach is preferred due to the political sensitivity and controversial nature of these issues. He said the UDC decided to vote on motions, moving them forward as recommendations to the full Board regarding code and policy changes and also to note minority positions by articulating their concerns.

Ms. Mary Ann Aguayo suggested having task groups meet for a half-day on the morning of UDC meetings with the full group meeting in the afternoon. She noted this would help minimize travel costs and reduce the need for staff support.

Ms. Aguayo also pointed out that the staff is already working under severe budget and workload constraints. Based on workload projections for the next three years, she expressed strong reservations about the staff's ability to undertake any additional tasks in terms of developing regulations or rulemaking. Mr. Vester also noted staff workload analysis did not include any plans for expanding committees.

Mr. Scott expressed his concern that the UDC can not operate effectively without task groups and staff support.

Mr. Shields stated he will lobby State Architect Steve Castellanos to obtain staff support for the two task groups to meet prior to UDC meetings, noting that DSA needs to balance its competing priorities and determine what to prioritize and where to place emphasis.

Mr. Vester stated as with all other state agencies, DSA is under considerable pressure to reduce the number of its boards and committees. He said staff is trying to make the case to Department of General Services that the DSA Advisory Board should be continued, but costs are a major consideration.

Mr. Shields returned the discussion to the revised draft document and noted another issue the Policies and Procedures Committee should address is whether a charter school representative should be added to the DSA Advisory Board. Committee members reviewed the sections of the existing Policies and Procedures document pertaining to Board composition and agreed to recommend the addition of an ex officio charter school representative.

The committee will recommend the additional appointment of a charter school representative as an ex officio member to the DSA Advisory Board.

Mr. Bate noted Title 24, Part 1, already gives the State Architect administrative authority to appoint Board members. After a brief discussion the committee agreed to include the reference to Title 24, Part 1 in the Policies and Procedures document. Mr. Shields observed that the language regarding Board composition should align with Title 24, Part 1, and reflect the makeup of the Board and the committee concurred.

Revise the Policies and Procedures of the Board so the document refers to and aligns with Title 24, Part 1 and reflect current information regarding the composition of the Board.

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Ms. Tarailo noted that at present all Board members' terms are scheduled to expire in September of 2005. Mr. Shields added that the State Architect has discretion at that time to reappoint individuals for staggered terms.

Mr. Vester then welcomed the committee's input on other proposed revisions to the Policies and Procedures document, drawing attention to the Field Act reference on Page 1. Mr. Shields recommended defining the Board's role to be consistent with DSA's jurisdiction.

Clarify the Board's role in the Policies and Procedures document so it is consistent with DSA's jurisdictional authority.

Referring to Section III on Page 2, first paragraph, Mr. Ross suggested the word "seismic" should be deleted from the third line. He noted DSA's purview is broader and encompasses other types of hazards. Mr. Ross also suggested inserting "under DSA jurisdiction" after the word "buildings" at the end of that sentence and the committee agreed.

In Section III (line 3), delete the word "seismic" and after "buildings" insert "under DSA jurisdiction" at the end of the sentence.

On Page 4, Section (B), "Appointed Members," committee members agreed the list of representatives should be retained and decided the introductory paragraph of that section should begin with: "Unless superseded by Title 24, Part 1, the Board consists of . . ."

The first sentence of the introductory paragraph in Section IV (B), page 4 will be revised to read: "Unless superseded by Title 24, Part 1, the Board consists of..."

Ms. Tarailo stated the DSA Advisory Board presently has a total of 19 members, and noted that number will need to be revised to 20 members if a charter school representative is appointed as an ex officio member of the Board.

Mr. Vester drew attention to the provision at the top of Page 5 regarding members of the public. Mr. Shields noted the provisions regarding ex officio members is addressed farther down on the page.

After a brief discussion, committee members agreed to modify the first sentence of Section (B), specifying "up to 17 members appointed by the State Architect, plus up to three ex officio members."

Revise Section (B) to read "up to 17 members appointed by the State Architect, plus up to three ex officio members."

Mr. Shields suggested deleting the heading for Section (C) on Page 5 and inserting the text in that paragraph before the line reading, "All appointed Board members may vote" and the committee agreed.

Delete the heading for Section IV (C) on Page 5 and insert the text in that paragraph before the line reading, "All appointed Board members may vote."

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Mr. Vester drew attention to the language in Item (5) at the top of Page 11 regarding consultants. Mr. Shields recommended defining consultant travel and reimbursement policies. After some discussion, committee members agreed to insert the word "technical" before "consultants."

Insert "technical" before "consultants", Section V, Item (5), page 11.

Mr. Shields suggested deleting the words "their functions and objectives" from Item (4) on Page 11 and the committee concurred.

Delete "their functions and objectives", Section V, Item (4), page 11.

Mr. Henry observed that the document should be reviewed for consistency. As an example he suggested checking the use of "shall" and "will."

Mr. Vester said he was unable to find anything in the existing policies and procedures defining the duties of the Executive Director and provided the proposed language on Page 12.

Mr. Bate questioned the need to spell out any of the Executive Director's duties in the Board's policies and procedures, noting those provisions should be defined elsewhere.

Mr. Shields proposed retaining the first two bulleted items, but eliminating the rest of the list. After a brief discussion committee members agreed to keep the items on the list for informational purposes.

Retain the items listing the duties of the Executive Director for informational purposes.

Mr. Shields referred the committee to page 22, and recommended retaining most of the language proposed for the second paragraph under Section (A), but deleting the reference to "subcommittee members of UDC" and the committee agreed.

Delete reference to "subcommittee members of UDC" on page 22, Section (A), paragraph two.

In the last paragraph on Page 22, Mr. Bate suggested referencing DSA's travel procedures and the committee agreed to revise the first sentence of that paragraph to read: "Expense claims shall be submitted as required in DSA's travel procedures."

On page 22, revise first sentence of last paragraph to read: "Expense claims shall be submitted as required in DSA's travel procedures."

Mr. Vester proposed that the staff revise the draft to incorporate the amendments discussed at this meeting. Mr. Shields asked staff to send the revised draft including changes made during this meeting to the members of this committee before it is presented to the full Advisory Board on June 18.

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Mr. Vester said he will provide committee members with the latest revised version of the Policies and Procedures document prior to the next Board meeting.

Revisions, Corrections, and Updates to Appeals Procedure

Mr. Shields stated that given an appeal is currently underway, he suggested holding off on revising the existing appeal process pending completion of that matter. He said there may be additional provisions in light of the latest appeal that should be incorporated into the appeal procedure. Committee members discussed problems associated with posting a proposed appeals policy on the DSA website before it was ready for dissemination.

Regarding the status of the pending appeal, Mr. Vester said DSA conducted an informal conference two weeks ago and a letter summarizing DSA's findings was currently being drafted. Mr. Shields added that the appeal involves waterless urinals and DSA's prescriptive acceptance criteria.

Given the circumstances, the committee agreed to table the discussion regarding proposed revisions to the appeals procedure at this time.

The committee deferred their consideration of the proposed revisions to the Advisory Board's appeals procedures at this time.

Mr. Vester informed the committee that Gary Ness, DGS Legal Affairs, issued an opinion that the DSA Advisory Board does not have ongoing legal representation, but legal counsel is available to the State Architect and DSA staff as needed.

Meeting Recap of Action Items*

(See also Follow up/Action Items for complete listing).

Mr. Shields suggested approving the revisions discussed by the committee at this meeting. He noted the committee voted to recommend changing the language regarding Board composition to align with Title 24, Part 1.

Mr. Vester noted the committee agreed that the UDC committee would be considered a standing committee, with a maximum of 13 members, of whom four must be Board members; that committee members would serve two-year terms with the possibility of a one-year extension; and that a charter school representative should be added as an ex officio Board member. He noted the committee took no action on the task groups.

Mr. Bate made a motion, seconded by Mr. Henry, to approve the revisions as reviewed in today's committee meeting. The motion was carried unanimously.

New Business

There were no items of new business discussed by the committee.

Adjournment

There being no further business, Mr. Ross made a motion, seconded by Mr. Bate, that

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the meeting be adjourned. The meeting of the Policies and Procedures Committee was adjourned at 1:15 p.m.

Follow up/Action Items:

Committee:

1. The Policies & Procedures Committee will recommend that the Advisory Board revise its prior (March 19, 2004) motion regarding the UDC during the June 18, 2004 meeting of the Advisory Board.
2. Mr. Shields to lobby State Architect Steve Castellanos regarding the need for two task groups to meet prior to UDC meetings and obtain staff support, noting DSA needs to balance its competing priorities and determine where to place emphasis.
3. The committee will recommend the additional appointment of a charter school representative as an ex officio member to the DSA Advisory Board.
4. (The committee deferred their consideration of the proposed revisions to the Advisory Board's appeals procedures at this time).

Staff:

1. The Board's Policies and Procedures to be revised to reflect UDC changes as discussed at today's meeting.
2. Clarify that the Board serves at the pleasure of the State Architect, and committees serve at the pleasure of the Board chair in the revised draft of the Policies and Procedures document.
3. Mr. Vester to convey the recommendations relevant to the UDC at their May 26 meeting.
4. Rename Section VIII (A) to state "board chair duties relative to committees."
5. In Section XII insert the word "only" in the second sentence before "upon authorization by the Board Chair or Executive Director."
6. Revise the Policies and Procedures so the document refers to and aligns with Title 24, Part 1, with updated information regarding Board composition.
7. Clarify the role of the Board so it is consistent with DSA's jurisdictional authority.
8. In Section III (line 3), delete "seismic" and after "buildings" insert "under DSA jurisdiction" at the end of the sentence.
9. The first sentence of the introductory paragraph in Section IV (B), page 4 will be revised to read: "Unless superseded by Title 24, Part 1, the Board consists of...."
10. Revise Section IV (B) to read "up to 17 members appointed by the State Architect, plus up to three ex officio members."

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- 3 11. Delete the heading for Section IV (C), inserting text before the line reading, "All
- 4 appointed Board members may vote."
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- 6 12. Insert "technical" before "consultants", Section V, Item (5).
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- 8 13. Delete "their functions and objectives", Section V, Item (4).
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- 10 14. Retain the items listing the duties of the Executive Director for informational
- 11 purposes.
- 12
- 13 15. Delete reference to "subcommittee members of UDC" on page 22, Section XIV,
- 14 Item (A), paragraph two.
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- 16 16. On page 22, revise first sentence of last paragraph to read: "Expense claims shall
- 17 be submitted as required in DSA's travel procedures."
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- 19 17. Mr. Vester will provide committee members with the latest revised version of the
- 20 Policies and Procedures document prior to the next Board meeting.
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- 22 Respectfully Submitted,
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- 26 John Vester
- 27 Interim Executive Director